

**TO:** Mayor and Board of Trustees  
**FROM:** Village Administrator Steve Stricker and Staff  
**SUBJECT:** Regular Meeting of November 14, 2011  
**DATE:** November 11, 2011

**PLEDGE OF ALLEGIANCE:** Hannah Godellas, Elm School

## **6. ORDINANCES**

### **A. Conditional Sign Approval/Sign Variations (S-07-2011; 101 Burr Ridge Parkway – BMO Harris Bank)**

Attached is an Ordinance granting conditional sign approval as per the Sign Ordinance to install wall signs more than 20 feet above grade on the east and west walls of an existing building; a variation from the Sign Ordinance to permit three principal identification signs with a total sign area of approximately 110 square feet rather than the maximum of 2 signs with a combined area not to exceed 100 square feet; and a variation to permit a ground sign to be located closer than 10 feet to a lot line. The existing bank at 101 Burr Ridge Parkway is undergoing a name change and this request will replace existing signs with comparably sized signs.

Also, attached is a letter of recommendation from the Plan Commission. In addition to the recommendation for approval as outlined above and in the Ordinance, the letter also indicates a recommendation to deny a variation to permit private traffic directional signs of 7 square feet rather than the permitted maximum of 4 square feet. After the Plan Commission recommendation, the applicant has withdrawn their request for oversized directional signs.

**It is our recommendation:** that the Ordinance be approved.

### **B. Subdivision Entryway Sign (S-06-2011: Devon Ridge Subdivision)**

Attached is an Ordinance granting a request by the Devon Ridge Homeowners Association for conditional sign approval as per the Sign Ordinance to replace an existing subdivision sign and a variation from the Sign Ordinance to permit the sign to exceed the four foot height maximum. The Association is replacing their existing subdivision entryway sign. The proposed sign is consistent with the sign regulations and will be in the same location as an existing sign. The variation for the height of the sign is limited to finials added to the pillars supporting the sign. The remainder of the sign will comply with the height restriction. Also attached is the letter of recommendation

from the Plan Commission.

It is our recommendation: that the Ordinance be approved.

7. **RESOLUTIONS**

8. **CONSIDERATIONS**

A. **Zoning Board of Appeals Recommendation – Fence Variation (V-05-2011: 6545 County Line Road – Becker)**

Please find attached a letter from the Zoning Board of Appeals regarding a request by Mr. and Mrs. Robert and Betty Becker for a variation from the Zoning Ordinance to permit a temporary fence in the front yard of a residential property for the purpose of winter time salt protection. A motion was approved by a 3 to 2 vote of the ZBA to recommend approval of the variation. However, Illinois State Statute and the Burr Ridge Municipal Code require a majority vote of the entire ZBA for a positive recommendation to be forwarded to the Board. Thus, the variation is forwarded without a recommendation from the Zoning Board of Appeals.

The subject property is located about 200 feet south of Plainfield Road on the east side of County Line Road (the first house south of Villa Taj). They have lived at this location since the time that County Line Road was two lanes and the adjoining intersection did not have a traffic signal. The residents said that the sole purpose of the fence is to protect the front yard landscaping from salt spray and damage. Their landscaping contractor testified at the hearing that before the current salt fence was used all of the plants were burned during the winter and that \$1,000 to \$3,000 worth of plant materials had to be replaced each spring. The petitioners also submitted soil testing information that indicates the amount of salt content in the soil before and after the current fence (attached).

The majority of the Commissioners present at the public hearing believed that the property's location was unique based on its proximity to the five-lane County Line Road, the volume and speed of traffic on County Line Road, and the relative greater amount of salt used near the intersection of Plainfield Road. Additionally, the property is two plus feet below the street level which causes a greater amount of salt spread over the front yard of the property. The grade difference also justifies the need for an eight foot tall fence. The cost and damage incurred by the property create a hardship for the petitioners in their attempts to maintain the front yard landscaping.

Two of the five Commissioners present at the meeting objected based on the fact that the fence conflicts with the Zoning Ordinance relative to height, materials, design and location.

It is our recommendation: that the Board directs staff to prepare an Ordinance approving the variation as per the motion by the Plan

Commission.

**B. Saia Dock Plate Noise Attenuation**

The annexation agreement between Saia and the Village of Burr Ridge includes a section on dock plate improvements. Saia agreed to study and identify potential improvements and to identify its chosen noise reduction methodology by November 1, 2011 (see enclosed pertinent sections of the annexation agreement relating to dock plate improvements).

Enclosed please find a memo from Scott Hargadon, the attorney for Saia, outlining the materials that Saia's consultants had tested on the dock plates to attempt to reduce noise. Saia's noise consultant has concluded that none of the alternatives tested generated significant noise reductions and determined that the materials tested would not hold up under normal operating conditions. However, while conducting the noise testing, it occurred to the noise consultant that, if the employees slowed down the process of lifting and lowering the dock plates and reduced the speed at which the forklifts entered and exited the truck beds, significant noise reductions could be achieved. With this in mind, Saia is indicating that its chosen noise reduction methodology is proper training for all of its employees and that this approach will lead to significant noise reduction.

Mr. Hargadon will also update the Board regarding the other obligations required of Saia in the annexation agreement.

**C. 2011 Tax Levy**

The Tax Levy, which represents approximately 3% of a Burr Ridge resident's tax bill, is comprised of three separate levies:

1. The Corporate Levy
2. The Police Protection Levy
3. The Police Pension Levy

In addition, there is a Bond and Interest Levy for the Series 2003 (1996 Series refinanced) General Obligation Bonds issued for the Bedford Park Water Main Project. This Debt Service Levy was set when the bond issue was established and is not part of the Tax Levy that must be approved by the Board.

The Tax Levy Ordinance must be adopted and filed with Cook and DuPage Counties no later than the last Tuesday of December. The Corporate Levy and the Police Protection Levy represent approximately 5% of the total General Fund Revenues and are used to pay for normal expenses found in the General Fund. The Police Pension Levy, which is the legally required employer contribution, is determined by an independent actuarial valuation as of April 30, 2011. Once the pension requirement is established, the remaining dollars are allocated between the Corporate Levy (60%) and the Police Protection Levy

(40%). The 2011 proposed Tax Levy is summarized as follows (see attached exhibits for more detail):

	<b>Actual Extended 2010</b>	<b>Proposed Extended 2011</b>	<b>Dollar Change</b>	<b>% Change</b>
Corporate	\$292,045	\$332,206	\$40,161	13.75%
Police Protection	\$126,594	\$221,471	\$94,877	74.95%
Police Pension	\$565,289	\$484,639	-\$80,650	-14.27%
<b>TOTAL</b>	<b>\$983,928</b>	<b>\$1,038,315</b>	<b>\$54,387</b>	<b>5.53%</b>
(net of debt service)				

It should be noted that the General Fund levies of Corporate and Police Protection were significantly increased due to the recent Police Pension reform. Dollars previously allocated to the Police Pension fund can now be utilized in the General fund.

The Village of Burr Ridge, like all non-home-rule communities in Cook and the collar counties in the State of Illinois, is subject to a tax cap of 5% or the cost of living, whichever is lower. This year the state-imposed tax cap has been set at 1.5%. As we have done in past years, the proposed Tax Levy is projected to increase to the maximum allowed under the tax cap. Any dollars not included in this maximum are lost and cannot be used as the starting basis for next year's Levy.

When calculating the Tax Levy for the Village, three factors are taken into account:

1. What will be our estimated increase in EAV?
2. Is the Levy in compliance with the tax cap?
3. What will be the estimated tax burden on an average home in Burr Ridge?

#### **Factor 1:**

Exhibit 3 shows the trends in EAV. We have estimated the Village's EAV for 2011 will increase by 6% to \$1,328,619,375. This encompasses a 2% increase in existing value and a 4% increase in new construction. With this estimate, the tax rate and levy can be developed. We have utilized the 6% factor to ensure we capture the maximum allowed under the tax cap. In years past, we have used a 10% (3% increase in existing value and 7% new construction). However, since the EAV has actually decreased the past two years, we feel that a 6% factor should be sufficient to ensure that we capture the maximum allowed.

#### **Factor 2:**

In computing the tax rate and levy to the maximum amount under the tax cap, a "Limiting Rate" must be estimated. The Limiting Rate is a calculation prepared by the County Assessor in conjunction with the tax cap. If our final Limiting Rate estimate is low, we will receive what we requested. If our estimate is high, our request will be reduced. For the 2011 Tax Levy, the estimated Limiting Rate has been calculated as .0781. This is arrived at by taking the 2010 actual tax extension and adding a 1.5% cost of living adjustment, then taking the 2010 actual EAV and adding the 2011 estimated increase in value. Finally, the two numbers are divided to arrive at a rate (see Exhibit 4).

**Factor 3:**

We have increased the 2011 Levy over the 2010 Levy to achieve the maximum dollars possible within the Limiting Rate and still maintain a level tax burden on Village residents' tax bills. Exhibit 7 shows the impact on an average \$618,000 home in Burr Ridge. In this example, taxes (excluding debt) are increased by \$8.26 for the DuPage County home and increased by \$13.09, assuming the same state equalizer factor, for the Cook County home.

**Summary:**

With the exclusion of Debt Service, the 2011 estimated extended Tax Levy is \$1,038,315. This is a 5.53% increase over 2010, but the impact on Village residents is negligible, considering the fact that the actual increase will not come near this amount. The proposed tax rate is .0781, which equals the estimated Limiting Rate. The Village is required to hold a public hearing under the "Truth in Taxation" Law (see Exhibit 5). The public hearing will be held at the Regular Meeting of the Board on Monday, December 12, 2011.

Enclosed please find the following exhibits:

1. Proposed Tax Levy and Rates
2. Last Year's Tax Levy Estimated vs. Actual
3. Property Tax and EAV History
4. Tax Levy Limiting Rate Calculation
5. Tax Levy Calculations for Truth in Taxation
6. Last Year's Levy vs. Proposed Extended Tax Levy
7. Projected taxes for a \$600,000 Home in Burr Ridge
8. Debt Service and EAV Growth
9. Taxing Body Tax Burden by Area
10. Taxing Body Tax Burden by Category
11. Police Pension Employer Contributions

**It is our recommendation:** that the proposed Tax Levy for 2011 be accepted and that Staff be authorized to prepare the necessary notice for a public hearing to be held on December 12, 2011.

**D. Continued – Electric Aggregation**

As a result of the presentation and discussion that occurred at the October 24 Board meeting, the Board requested additional information regarding the out-of-pocket costs that the Village would incur to pursue the opt-out program, the potential savings that individual residents in Burr Ridge may experience as a result of the Village pursuing an opt-out program and obtaining bids on behalf of its residents, and additional information regarding the Metropolitan Mayors Caucus opt-in program.

**Costs**

Attorneys' fees	\$2,500
Mass printing, mailing, publishing	\$7,500
Consultants <ul style="list-style-type: none"><li>It is not anticipated that a consultant will be required to lead us through the process. However, we will need to engage a firm to prepare bidding documents and solicit bids on behalf of the Village and/or other municipalities that wish to work together. This cost will be borne by the electric supplier in the rate offered during the bidding process.</li></ul>	*
Staff Time <ul style="list-style-type: none"><li>The amount of Staff time required will be substantial and will include preparation of informational newsletters, public hearing notices, preparation of the Plan of Governance, working with Com Ed to create an official list of Burr Ridge residential and business customers and handling the expected large number of phone calls from residents inquiring about the process</li></ul>	*

Please note, once again, that this is not a one-time process and that, once started, there will be an expectation to rebid the electric supply contract every few years.

**Potential Savings**

As we discussed at the last meeting, residents can save the most over the next couple of years by immediately securing their own electric supply contract, or by participating in the Metropolitan Mayors Caucus program. Even if the Village were to pursue an opt-out program, we would not be able to obtain pricing for our residents until sometime in late summer or early fall of 2012. It should also be pointed out that, in May of 2013, it is expected that Commonwealth Edison rates will drop significantly.

Assistant to the Administrator Lisa Scheiner performed some analysis on electric bills from Trustee Len Ruzak, Village Clerk Karen Thomas, me and her, and determined that, with an alternative supplier, we could expect to realize an annual household savings of \$146.00 (using the numbers \$0.052/kWh by Oak Brook as a model). Larger Burr Ridge homes should

expect to save more.

Although the Metropolitan Mayors Caucus indicated that the average home could save up to \$150, Lisa's analysis using their figures showed only a savings of \$78.00. Again, the larger homes in Burr Ridge should expect to save more.

Additional Information re Metropolitan Mayors Caucus Opt-In Program

Attached please find several informational pieces from the Metropolitan Mayors Caucus, including:

- Energy News Flash: Contemplating Municipal Aggregation – please read this for savings won't be close to 25%; and
- Energy Savings Program Tool Kit, which includes a list of frequently asked questions, a sample press release for communities that wish to urge their residents to participate and a fact sheet regarding myths and facts about buying electric residential energy purchase.

I should point out that several municipalities throughout DuPage County are currently looking at the possibility of pursuing municipal aggregation. I have been contacted by several communities, including Hinsdale and Palos Park, asking if Burr Ridge would be interested in aggregating with them. I am sure there are several other communities that would be willing to work with Burr Ridge, if we decided to move forward in this direction.

Once again, the benefits of pursuing municipal aggregation would be to always guarantee Burr Ridge residents the lowest rate for electric supply. It would also offer opportunities to identify environmentally responsible energy services, such as wind and solar power, to add to the supply mix, and, if the Board should so choose, there could be the potential for direct grants from electric suppliers to be used for energy audits, energy efficiency projects and review/study of the electric grid.

Board direction is requested regarding which program to pursue. If the Board decides to pursue the opt-out program, an Ordinance will be prepared for the November 28 Board meeting to place the referendum on the March 20 ballot.

**E. Village Hall Board Room Renovation Update**

The Space Needs Committee has worked with Design Consultant Josephine Goetz to develop a new layout for the Village Hall Board Room, including a new dais, upgrades to both the lighting, electronic equipment, carpeting and furniture (see attached Board Room layout).

The current cost estimate is as follows:

- Board Room - \$197,788.72
- A/V Equipment Board Room - \$ 42,736.32

- Conference Room - \$ 27,955.01
- A/V Equipment Conference Room - \$ 5,761.80
- Furniture & Furnishings - \$ 41,418.25
- Cable TV Equipment - \$ 35,100.00

The Board will recall that \$500,000 was set aside for the renovation of the Village Hall, using old building performance bond money that was declared forfeit. Since no decisions regarding the renovation of the Village Hall were made at the time of the preparation of the annual budget, the \$500,000 allocation was split over a four-year period. With this in mind, sufficient funds exist to complete this project, with the understanding that a budget amendment may be required.

It should also be pointed out that \$35,000 was budgeted this year for cable TV equipment and that the Village has received an energy efficiency grant for Village Hall lighting upgrades in the amount of \$18,600, part of which is allocated to the Board Room and Conference Room.

Consultant Josephine Goetz will be available on Monday evening to present the Board with an overview of the project, as well as color pallet selections. It is anticipated that final plans and specifications will be completed by the middle of December and it is expected that bids will be presented to the Board sometime in January 2012.

#### **F. Possible Amendment to Halloween Trick-or-Treat Hours**

Trustee Maureen Wott asked that the issue of Trick-or-Treat hours be placed on the agenda for discussion. Currently, there is no designated start time for our Trick-or-Treat hours and the end time is 9:00 p.m. This issue was last discussed on December 13, 2004, when Staff recommended that the Halloween hours be shortened to between 3:00 and 7:00 p.m. At that meeting the Village Board agreed to amend the hours to 3:00 to 8:00 p.m. However, when the Ordinance was prepared at the next meeting on January 10, 2005, the vote was 3-2 and, because four votes are required to approve an Ordinance, the Ordinance did not pass.

Attached for your information please find the Board Summary from December 13, 2004, and the Minutes from the December 13, 2004, and January 10, 2005, meetings, along with the recommendation from the Police Department at that time.

I have also attached a list of current Halloween Trick-or-Treat hours in other communities and a new report from the Police Chief on Halloween activities over the past few years. It is my understanding that Trustee Wott will recommend that the Halloween hours be shortened to between 3:00 p.m. to 7:00 p.m. If the Board decides to amend the current Trick-or-Treat hours, an Ordinance will be prepared for the next meeting.

#### **G. Community Survey Q&A**

This is a new item that will be placed on the agenda for the next several months. Mayor Grasso will present community-asked questions and answers that were generated through the recent Community Survey. The questions and answers will then be placed on our website.

**H. Plan Commission Recommendation – Text Amendment and Special Use (Z-24-2011: 84 Burr Ridge Parkway – Kumon)**

Please find attached a letter from the Plan Commission recommending approval of a request by Kumon Learning Centers for a text amendment to the Zoning Ordinance to add “Tutoring center for pre-school, primary, and secondary education” to the list of special uses in the B-1 and B-2 Districts and for a special use for a “Tutoring center for pre-school, primary, and secondary education” at 84 Burr Ridge Parkway within the County Line Square Shopping Center.

The Plan Commission determined that the proposed text amendment is consistent with other special uses in the B1 and B2 Districts, and also that at this particular location, the proposed use is consistent with other retail sales and service businesses in the County Line Square Shopping Center.

**It is our recommendation:** that the Board directs staff to prepare Ordinances approving a text amendment and special use as per the Plan Commission recommendation.

**I. FMLA Leave of Absence – Cpl. David Allen**

Attached please find a letter from Corporal David Allen requesting a leave of absence for up to four weeks under the Family and Medical Leave Act. Cpl. Allen is requesting a leave of absence from November 14 through December 5 due to a medical procedure for the employee, which qualifies under the FMLA regulations for a leave. Cpl. Allen will cover his leave using his existing Personal, Vacation and Sick Leave time.

**It is our recommendation:** that the request for a leave of absence under the Family and Medical Leave Act for Corporal David Allen be approved.

**J. 2012 Board Meeting Schedule**

Enclosed is the proposed schedule for the 2012 Village Board meetings.

**It is our recommendation:** that the 2012 Village Board meeting scheduled be approved as submitted.

**K. Approval of Vendor List**

Enclosed is the Vendor List in the amount of \$907,142.38 for all funds,

plus \$179,014.01 for payroll, for a grand total of \$1,086,156.39. The Vendor List includes the following special amount:

- \$524,063.75 – US Bank for '03 GO Bond principal (\$415,000) and interest (\$42,857.50), '09 Debt Certificate interest (\$66,206.25)

**It is our recommendation:** that the Vendor List be approved.